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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,903	08/28/2000	Stefan O. Dick	P-1000	7709

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Scott R Cox  
Lynch Cox Gilman & Mahan PSC  
Suite 2200  
400 West Market  
Louisville, KY 40202

EXAMINER

MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/649,903

Applicant(s)

DICK ET AL.

Examiner

Jila M. Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 18-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the opening" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy '573 in view of Martin et al. (5,875,892). Pakeriasamy '573 discloses a packaging container for integrated circuits comprising a tray (11a) for holding integrated

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circuits, and a tray cover (11b), wherein the composition of the tray comprises a plastic material treated or coated with an appropriate additive so as to render it anti-static or static dissipative to avoid damage to the integrated circuits caused by electrostatic discharge. Pakeriasamy `573 does not appear to disclose the container having a moisture-absorbent composition material and a humidity indicator device. Martin `892 discloses a packaging container for integrated circuits where the composition of the packaging material is moisture and water vapor proof and provides electrostatic discharge protection. The upper section of the packaging container has an opening (18) for receiving a humidity indicator device (20, 22). The humidity indicator device is secured to the packaging container by a clear, plastic, circular disk (24). See Figure 2 embodiment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a moisture-absorbent material to the composition of the packaging container of Pakeriasamy `573 and to add a humidity indicator device as taught by Martin `892 to adsorb moisture contained within the packaging container and therefore prevent damage to the integrated circuits due to moisture and humidity and to visually disclose the humidity of the air within the container.

With regard to claims 6, 7, see column 3, lines 65-67 and column 4, lines 1-7 of Martin `892.

With regard to claim 4 which further limits the material of the packaging container, Pakeriasamy `573 discloses the packaging container being formed of suitable plastic materials such as polyvinyl chloride (PVC), polycarbonate, or polyethylene or the

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like. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the material of the packaging container of Pakeriasamy `573 since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

6. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references as applied to claim 1 above, and further in view of Kitamura et al. (5,295,297). Pakeriasamy `573 as modified above discloses all the limitations of the claims except for the packaging container further comprising a water and moisture-proof barrier bag into which the tray is secured. Kitamura `297 discloses a packaging container for integrated circuits comprising a water and moisture-proof barrier bag for moisture proofing the packaging container (see column 12, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a water, moisture-proof barrier bag for the packaging container of Pakeriasamy `573 to better moisture-proof the packaging container and avoid damage to the integrated circuits caused by moisture.

With regard to claims 15 and 16, see column 3, lines 65-67 and column 4, lines 1-7 of Martin `892.

With regard to claim 13 which further limits the material of the packaging container, Pakeriasamy `573 discloses the packaging container being formed of suitable plastic materials such as polyvinyl chloride (PVC), polycarbonate, or polyethylene or the like. Therefore, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to modify the material of the packaging container of Pakeriasamy `573 since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are packaging containers analogous to applicant's instant invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M. Mohandesi whose telephone number is 703-305-7015. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Jila M. Mohandesi  
Examiner  
Art Unit 3728

  
Patent Examiner

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JMM

May 8, 2002